THE BOMBAY PROBATION OF OFFENDERS ACT, 1938 (BOM. XIX OF 1938).

G. N., H. D., No. 5533/3-VI, dated 28th August 1941 (B. G., Pt. IV-B, p. 740). S. 13 Bombay Probation of Offenders Rules, 1940.

Amended by G. N., H. D., No. 2668/4-III, dated 25th June 1945.

In exercise of the powers conferred by section 13 of the Bombay Probation of Offenders Act, 1938 (Bom. XIX of 1938), the Government of Bombay is pleased to make the following rules, namely:—

1. *Short title.*—These rules may be called the Bombay Probation of Offenders Rules, 1940.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

(1) "the Act" means the Bombay Probation of Offenders Act, 1938;

(2) "District Magistrate" in the City of Bombay means the Chief Presidency Magistrate, Bombay;

(3) "Form" means a form appended to these rules;

(4) "Schedule" means a Schedule appended to these rules;

(5) "Section" means a section of the Act; and

(6) words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.

3. *Removal and resignation of probation officers.*—A person named by a Court in a supervision order as a probation officer shall cease to be a probation officer—

(*a*) if he is appointed by the State Government, on the suspension or termination of his services by the State Government, or

(*b*) if he is nominated by a recognised society, on the withdrawal of its approval to his nomination by the State Government, or on the cancellation of his nomination by the society, or

(*c*) if he resigns his appointment, on the acceptance of his resignation by the State Government, the recognised society or the Court, as the case may be.

4. *District Magistrate to report to the Court removal or resignation of probation officer.*—If any person named by a Court in a supervision order ceases to be a probation officer under rule 3, the District Magistrate shall forthwith report such fact to the Court.

5. *Duties of probation officers.*—(1) A probation officer shall carry out to the best of his ability the directions given to him by the Court which has named him in a supervision order passed by it in respect of his duties under such order.

(2) A probation officer shall also carry out all general or special orders issued by the District Magistrate within whose jurisdiction the offender placed under his supervision for the time being resides.

(3) A probation officer shall, as soon as may be after an offender is placed under his supervision, explain to such offender the conditions of the bond entered into by him.

(4) Unless otherwise directed in the supervision order, a probation officer shall visit an offender placed under his supervision at the residence of such offender at least once a week during the first three months and at least once a month during the remaining period of the supervision order.

(5) Where an offender placed under the supervision of a probation officer has entered into a bond with sureties, the probation officer shall, from time to time, visit the sureties, if they reside in his district, and keep them informed of the conduct and behaviour of the offender.

(6) A probation officer shall submit monthly reports in respect of the conduct and behaviour of the offender placed under his supervision to the Court which passed the supervision order in such form as the State Government may from time to time direct. He shall also forward a copy of every such report to—

(*a*) the Bombay Provincial Probation and After-Care Association;

(*b*) the District Probation and After-Care Association or the Society doing work under the Act on behalf of the Provincial Association as the case may be.

(7) A probation officer shall also keep such registers and diaries as the State Government may from time to time direct.

6. *Probation officer not to employ offenders.*—A probation officer shall not employ any offender placed under his suprvision for his own private purposes or take any private service from him.

7. *Remuneration and expenses payable to probation officers.*—(1) The remuneration and expenses payable to probation officers nominated by a recognised society shall be such as may from time to time be fixed by such society with the previous approval of Government.

(2) No probation officer appointed by a Court under clause (*c*) of sub-section (*1*) of section 10 shall be entitled to any fixed or monthly remuneration but he may be paid, if the Court so directs, such travelling allowances in connection with his work of supervision as may be admissible to a Government officer of the Second Grade:

Provided that such allowances shall not exceed Rs. 5 per month per offender and Rs. 50 per month in all for all the offenders placed under his supervision.

8. *Forms.*—The forms set forth in the Schedule may be used with such modifications as the Court may think fit for the respective purposes therein mentioned.

THE SCHEDULE.

FORM I.

[Bond for use under section 5 (*1*).]

(Rule 8.)

Bond to keep the peace and to be of good behaviour.

WHEREAS I (name) , inhabitant of (place) , have been ordered to be released by the Court of under sub-section (*1*) of section 5 of the Bombay Probation of Offenders Act, 1938 (Bom. XIX of 1938), on my entering

into a bond to appear and receive sentence when called upon during a period of , and in the meantime to keep the peace and be of good behaviour, I hereby bind myself that I shall—

(1) appear and receive sentence when called upon to do so,

(2) not commit a breach of the peace, or do any act that may occasion a breach of the peace, and

(3) be of good behaviour to Government and all the citizens of India,

during the said period; and in case of my making default therein, I hereby bind myself to forfeit to Government the sum of rupees .

Dated this day of , 19 .

Signature.

(*Where a bond with sureties is to be executed—Add*)

We do hereby declare ourselves sureties for the abovenamed that he will—

(1) appear and receive sentence when called upon to do so,

(2) not commit a breach of the peace or do any act that may occasion a breach of the peace, and

(3) be of good behaviour to Government and all the citizens of India,

during the said period; and in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to Government the sum of rupees .

Dated this day of 19 .

Signature.

FORM II.

[Bond for use by an offender placed under supervision under section 5 (2)].

(Rule 8.)

Bond.

WHEREAS I (name) inhabitant of (place) , have been ordered to be released by the Court of under sub-section (*1*) of section 5 of the Bombay Probation of Offenders Act, 1938 (Bom. XIX of 1938), on my entering into a bond to appear and receive sentence when called upon during a period of and in the meantime to keep the peace and be of good behaviour, and to observe the other conditions contained in this bond during the period of specified in he supervision order made by the Court, I hereby bind myself as follows:—

(1) That during the period of I shall—

(*a*) appear and receive sentence when called upon to do so;

(*b*) not commit a breach of the peace or do any act that may occasion a breach of the peace ; and

(*c*) be of good behaviour to Government and all the citizens of India.

(2) That I shall present myself, within fourteen days from the date of the supervision order passed by the Court, before the probation officer C. D. named in that order and will produce before him copies of that order and this bond.

(3) That during the period of specified in the supervision order, I shall also observe the following conditions :—

(*a*) that I shall submit myself to the supervision of the said probation officer or of any other officer appointed in his place, and will obey his directions,

(*b*) that I shall neither change my residence nor remove myself outside the jurisdiction of the Court without informing the said probation officer and without the permission of the Court,

(*c*) that I shall not associate with bad characters or lead a dissolute life,

(*d*) that I shall live honestly and peaceably and will endeavour to earn an honest livelihood,

(*e*) that I shall not commit any offence punishable by any law in force in a Part A State or Part C State

(*f*) that I shall abstain from taking intoxicants, and

(*g*) that I shall carry out such directions, as may from time to time be given to me by the said probation officer, for the due observance of the conditions mentioned above.

In case of my making default in observing any of the conditions specified above, I hereby bind myself to forfeit to Government the sum of rupees .

Dated this day of 19 .

Signature.

(*Where a bond with sureties is to be executed—Add*)

We do hereby declare ourselves sureties for the abovenamed that he will observe all the conditions specified in this bond and in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to Government the sum of rupees .

Dated this day of 19 .

Signature.

FORM III.

[To be used by a Court while passing an order under sub-section (*2*) of section 5.]

(Rule 8.)

In the Court . A. B. who appears to be a person under the age of 25 years having been born, so far as has been ascertained, on the day of 19 , has this day been found guilty of an offence.

(State description of offence.)

[State reasons for making an order under sub-section (*2*) of section 5.]

For these reasons, I am satisfied that it is expedient to deal with the said person by making an order under sub-section (*2*) of section 5 of the Bombay Probation of Offenders Act, 1938 (Bom. XIX of 1938), and I therefore hereby order that the bond to be entered into by the said person under sub-section (*1*) of section 5 of the said Act shall contain a condition that the said person shall be under the supervision of C. D., for a period of and the following other conditions, namely :—

(1) that he shall present himself, within fourteen days from the date of this order, before the said probation officer C. D. and shall produce before him copies of this order and the bond executed by him,

(2) that he shall submit himself to the supervision of the said probation officer or of any other officer appointed in his place, and shall obey his directions,

(3) that he shall neither change his residence nor remove himself outside the jurisdiction of the Court without informing the said probation officer and without the permission of this Court,

(4) that he shall not associate with bad characters or lead a dissolute life,

(5) that he shall live honestly and peaceably and will endeavour to earn an honest livelihood,

(6) that he shall not commit any offence punishable by any law in force in India,

(7) that he shall abstain from taking intoxicants, and

(8) that he shall carry out such directions, as may from time to time be given to him by the said probation officer, for the due observance of the conditions mentioned above.

Dated this day of 19 .

Signature of Judge or Magistrate.